



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ePLUS, INC.,

Plaintiff,

v.

Civil Action No. 3:09cv620

LAWSON SOFTWARE, INC.,

Defendant.

ORDER

Having reviewed PLAINTIFF ePLUS INC.'S MOTION TO EXCLUDE INCOMPLETE ALLEGED PRIOR ART DOCUMENTS PURSUANT TO FEDERAL RULES OF EVIDENCE (Docket No. 494), the supporting and opposing memoranda; and finding that: (1) DX-121 and DX-122 are incomplete excerpts from manuals; (2) the complete manual from which those excerpts were taken were not made available during the discovery period thereby precluding meaningful cross-examination about the excerpts; (3) the remainder of the manual of which the excerpt was a part is not available for the satisfaction of FRE 106; and (4) the exhibits have virtually no relevance and would be misleading and unfairly prejudicial, and finding that the application of FRE 402 and FRE 403 consequently calls for the exclusion of DX-121 and DX-122 from evidence as well as testimony, expert opinion or argument relating thereto, it is hereby ORDERED that the PLAINTIFF ePLUS INC.'S MOTION TO EXCLUDE INCOMPLETE ALLEGED PRIOR ART DOCUMENTS PURSUANT TO FEDERAL RULES OF EVIDENCE (Docket No. 494) is granted.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: November 19, 2010